

A ORDINANCE BY

AN ORDINANCE AUTHORIZING: THE ABANDONMENT OF A PUBLIC STREET KNOWN AS EMMETT STREET, ALL LYING AND BEING IN LAND LOT 82 OF THE 14<sup>TH</sup> DISTRICT, CITY OF ATLANTA, FULTON COUNTY, GEORGIA; AND THE EXECUTION BY THE MAYOR OF A QUITCLAIM DEED SUBJECT TO THE EXCHANGE AGREEMENT STIPULATED IN ORDINANCE 00-0-1855 TO PROVIDE A MECHANISM FOR THE FUNDING OF THE ACQUISITION AND CONVEYANCE OF THE ABANDONED STREETS; AND TO WAIVE CERTAIN PROVISIONS OF SECTION 138-5 OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has received a formal petition from the abutting land owners of certain affected property, the Atlanta Development Authority ("ADA") and the Northyards Business Park Limited Liability Company ("LLC"), to abandon the following street (the "Proposed Abandoned Property":

- (i) Emmett Street, from Kennedy Street north to North Avenue;

WHEREAS, ADA and LLC are jointly proposing to develop the area (including the Proposed Abandoned Properties and Emmett Street) into a business park, as a City-supported redevelopment project pursuant to the English Avenue Redevelopment Plan approved by the Atlanta City Council, and as part of an Atlanta Empowerment Zone initiative;

WHEREAS, Section 2-1578 of the City's Code of Ordinances requires a petitioner for the abandonment of streets to remit payment to the City for the abandonment in the amount of the appraised value of the streets to be abandoned;

WHEREAS, the ADA and LLC have had an appraisal of the other Abandoned Properties (Strong, Gray and Davis Streets, right of ways which were approved for abandonment by City Council December 4, 2000), and Emmett Street performed, which appraisal established a collective value for the other Abandoned Properties and Emmett Street of \$438,000\*;

WHEREAS, the City's Director of its Bureau of Purchasing and Real Estate has caused the appraisal to be reviewed by the appropriate City representatives and agents and has determined that the appraisal value of \$372,000 pertaining to the other Abandoned Properties represents a fair and acceptable price for which the City may sell the other Abandoned Properties to the ADA and LLC [or their designee(s)];

WHEREAS, the City's Director of its Bureau of Purchasing and Real Estate has also determined that the appraisal value of \$66,000 pertaining to Emmett Street represents a fair and acceptable price for which the City may, sell Emmett Street to the ADA and LLC [for their designee(s)], upon appropriate petition to the City for, and legislative approval of, such action;

**WHEREAS**, at present, and in lieu of the payment of the City of cash for the appraised value of the other Abandoned Properties, the ADA and LLC have proposed to the City that the ADA and LLC, or their agents, construct sidewalks and other improvements (collectively, the Proposed Improvements) on and/or adjacent to the other Abandoned Properties and Emmett Street, with an estimated construction cost and value of \$491,000, and convey those Proposed Improvements and the necessary rights of way concerning those Proposed Improvements to the City in exchange for the City's conveyance to the ADA and LLC [or their designee(s)] of the Abandoned Properties;

**WHEREAS**, ADA and LLC have been successful in obtaining title or Purchase Agreements to all property abutting Emmett Street, and have petitioned the City for the abandonment of Emmett Street and proposed that the value of Proposed Improvements in excess of the appraised value of the Proposed Abandoned Properties (\$119,000) be credited to the ADA and LLC for the purchase of Emmett Street:

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\*The appraisal established the following values for the other Abandoned Properties and Emmett Street:

1. 1. Emmett Street	\$66,000
2. 2. Strong Street	\$195,000
3. 3. Davis Street	\$36,000
4. 4. Gray Street	\$108,000
5. 5. North Avenue	\$33,000
<hr/>	
Total:	\$438,000

**WHEREAS**, a copy of petitioner's proposal and plat identifying Emmett Street, as well as the location of the Proposed Improvements to be constructed by the ADA and LLC, is attached as Exhibit 1;

**WHEREAS**, the ADA's and LLC's request to the City to abandon Emmett Street and to fund the ADA's and LLC's purchase price for them by constructing the Proposed Improvements and conveying them and associated rights of way to the City has been reviewed and approved by the City's Bureau of Purchasing and Real Estate, Department of Public Works and Public Utilities Committee and is deemed to be in the best interests of the City to consummate;

**WHEREAS**, if the ADA and LLC are, upon successful application to, and legislative approval of, the City for the abandonment of Emmett Street, the City will credit the remainder of the value of the Proposed Improvements to the ADA's and LLC's proposed purchase of Emmett Street, such that no additional sums of money for the purchase of Emmett Street will be owed by the ADA and LLC, other than the fee for the proposed abandonment advertisement; and,

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

Section 1. That Emmett Street, as shown on the attached Exhibit 2, is declared

by the City to be no longer useful or necessary for public use and convenience.

Section 2.

That the City is authorized, after the City's Bureau of Purchasing and Real Estate and Department of Public Works have confirmed that ADA and LLC have satisfied all conditions precedent under City Ordinance Nos. 2-1578 and 138-5, to convey by Quitclaim Deed to the ADA and LLC [or their designee(s)] the Emmett Street right of way in exchange for the ADA's and LLC's, or their agents', construction of the Proposed Improvements and conveyance to the City of the necessary rights of way concerning the Proposed Improvements as outlined in the Exchange Agreement specified in Ordinance 00-0-1855.

Section 3.

That all reservations within Emmett for existing public or private utility easements will remain in effect for the purposed of entering Emmett to operate, maintain, or replace the utility facilities. These easements will remain in effect until such time that the utilities are abandoned, removed or relocated, at which time the easements will expire.

Section 4.

That the Mayor is authorized to execute and deliver a Quitclaim Deed conveying the Proposed Abandoned Properties to the ADA and LLC [or their designee(s)] subject to the terms of the Exchange Agreement specified in 00-0-1855.

Section 5.

That the advertisement portion of the fees set forth in Section 138-5(a)(5) of the City's Code of Ordinances will be paid by the ADA and LLC to the City prior to the delivery of the Quitclaim Deed and the appraisal cost portion of the fees set forth in that Ordinance are waived by the City.

Section 6.

That the City Attorney is directed to prepare a Quitclaim Deed for execution by the Mayor, containing terms and conditions appropriate and/or legally required for this transaction, to be approved by the City Attorney as to form.

Section 7.

That the Quitclaim Deed will not become binding upon City and City will incur no liability under them until the Mayor has executed them, they have been attested to by the Municipal Clerk, and delivered to the ADA and LLC, or their designee(s).

Section 8.

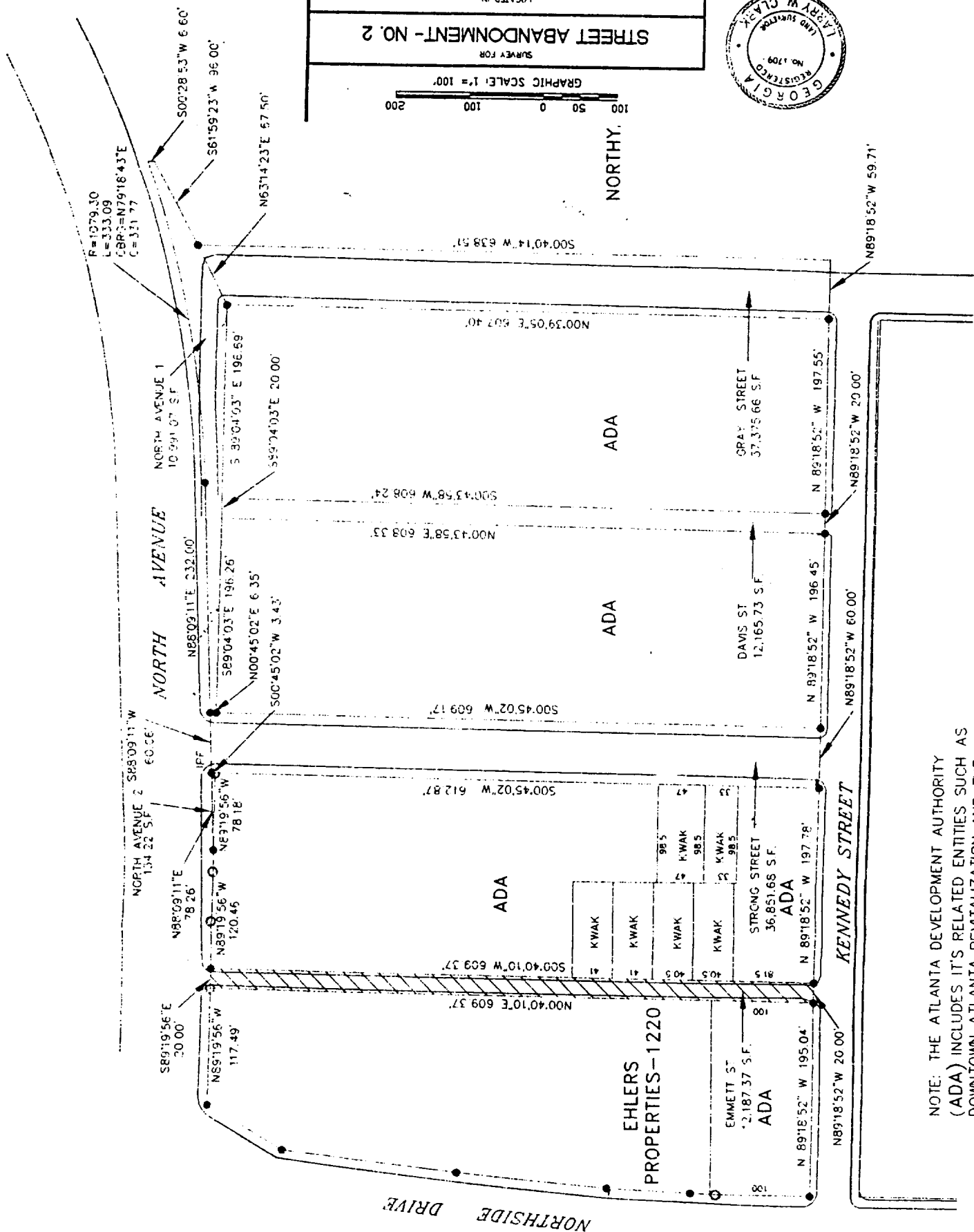
That, as specified in Section 8 of Ordinance 00-0-1855, ADA and LLC since has acquired all rights to the property abutting Emmett Street, and upon successful application to the City for the abandonment of Emmett Street, and the legislative approval of that abandonment, the City will credit the remainder of the value of the Proposed

Improvements to the ADA's and LLC's proposed purchase of Emmett Street, such that no additional sums of money for the purchase of Emmett Street will be owed by the ADA and LLC, other than the fee for the proposed abandonment advertisement required by Section 138-5(a)(5) of the City's Code or Ordinances.


Section 9.

That all code sections, ordinances, and parts of code sections and ordinances in conflict with this Ordinance are waived.

NORTHSIDE  
DRIVE



NOTE: THE ATLANTA DEVELOPMENT AUTHORITY (ADA) INCLUDES IT'S RELATED ENTITIES SUCH AS DOWNTOWN ATLANTA REVITALIZATION AND THE DOWNTOWN DEVELOPMENT AUTHORITY.

DATE	DESCRIPTION	B.I.	DATE 12-5-93	SCALE 1"=100'	JOB NO. 5655	SHEET 1 OF 1
12-13-00	COMMENTS	LWC		RILEY, PARK, HAYDEN & ASSOCIATES, INC. ENGINEERS & SURVEYORS ATLANTA, GEORGIA 770-447-0041	CITY OF ATLANTA 14th DISTRICT FULTON COUNTY, GEORGIA	
11-03-00	COMMENTS	LWC				
10-12-00	INCLUDE STRONG STREET	LWC				



[illegible]

Map shows existing streets with overlay of new street.

New Street

13 November 2000

Atlanta Development Authority  
86 Pryor Street, SW  
Suite 300  
Atlanta, GA 30303-3131

To Whom It May Concern:

It is our understanding that legislation is pending before the Atlanta City Council to close certain streets located in the proposed North Yards Business Park.

This letter is being sent to you to give our consent for the abandonment of Emmett Street between North Avenue and Kennedy Street. As an adjoining property owner to Emmett Street, we are not in opposition to it being abandoned and permanently closed from future use. We do not currently use Emmett Street since our main ingress/egress to our property is from Northside Drive.

Sincerely,



Michael G. Ehlers  
Ehlers Properties - 1220, L.C  
319-391-9100 Ext 221  
319-386-1458 (Fax)

MGE/bms

## Exhibit A

November 28, 2000

Downtown Development Authority  
86 Pryor Street, S.W.  
Suite 300  
Atlanta, Georgia 30303-3131


## To Whom It May Concern:

It is our understanding that legislation is pending or will be filed before the Atlanta City Council requesting that certain streets located in the proposed North Yards Business Park be closed.

This letter is being sent to you to grant our consent for the abandonment and closure of Emmett Street, Strong Street and any other streets located in the North Yards Business Park. As the present property owner of record of property adjoining Emmett Street, Strong Street or Kennedy Street, we have no opposition to the abandonment and permanent closure of all or of any portion of those streets. By signing herein below, we waive any right to object or to receive future notices regarding any closure actions relating to any streets in the proposed North Yards Business Park, including Emmett Street and Strong Street.

Should you have any questions regarding this letter, please contact our attorney, Furman Smith, at 404-624-4100.

Sincerely,

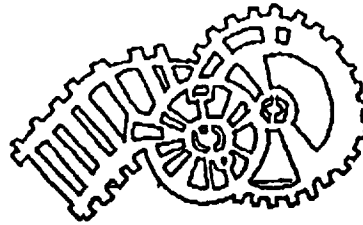
  
Chang H. Kwak

  
Hwa Cha Kwak



**Legal Description  
Emmett Street**

For a POINT OF BEGINNING commence at a point formed by the intersection of the westerly right of way of Emmett Street and the northerly right of way line of Kennedy Street; thence run N00°40'10"E along the westerly right of way line of Emmett Street 609.37' to the southerly right of way line of North Avenue; thence S89°19'56"E 20.00' to the easterly right of way line of Emmett Street; thence S00°40'10"W along the easterly right of way line of Emmett Street 609.37' to the northerly right of way line of Kennedy Street; thence N89°18'52"W 20.00' to the POINT OF BEGINNING. Containing 12,187.37 SQ. FT.



Northyards Business Park, LLC • 50 Hurt Plaza, Grand Lobby  
Atlanta, GA 30303  
Phone 404-524-2672 • Fax 404-522-0070

#### MEMORANDUM

TO: Council Utility Committee

FROM: Constance Callahan, VP of COPA, Inc., as managing partner of Northyards Business Park, L.L.C

DATE: November 13, 2000

SUBJECT: Abandonment of Streets

The Northyards Business Park, L.L.C. has petitioned for the abandonment of certain streets within the proposed business park. We are also requesting that the fee and right-of-way acquisition costs be waived since we are providing new street right-of-way, and sidewalks, to the City of Atlanta in excess of the value of the street rights-of-way to be abandoned.

Facts to be considered in waiving fee and acquisition costs:

- The value of real estate in the new road, plus the value of new sidewalks being constructed, exceeds the real estate value of the existing streets to be abandoned;
- Cost of new project infrastructure that will be dedicated to the City is significantly higher than the value of the rights of way of the existing streets;
- As a result of the project, over 7,300 linear feet of sidewalks will be constructed throughout the redevelopment area to ensure pedestrian access and safety;
- This is an area of the City that is a Brownfield site and is a severely blighted, crime ridden area which will be redeveloped into a business park creating new job opportunities and added tax base for the City;

Memorandum to Council Utility Committee  
November 13, 2000  
Page 2

- Payment for the rights-of-way by the Northyards Business Park, L.L.C will significantly reduce the proceeds going to an Community Fund that was established to reinvest in the neighborhood;
- This a city project - all abutting property is owned by Downtown Atlanta Revitalization ("DAR") or the Downtown Development Authority ("DDA") entities of the Atlanta Development Authority, a partner in the business park.

Exhibits "A" and "B" detail the value exchange being received by the City as a result of this redevelopment project. Please note that at this time the request is to abandoned all streets with the exception of Emmett Street. Emmett Street shall also be abandoned once final acquisition of adjoining property is complete.

We, the members of the Northyards Business Park, L.L.C which includes the Atlanta Development Authority, Antioch Urban Ministries and COPA, Inc., ask for your support in this request.

Attachments

Northyards Business Park  
Street Abandonment  
Review of Land and Sidewalk Value

<u>A. Value of Abandoned Streets</u>	<u>Amount</u>
2.52 acres of streets to be abandoned	\$438,000*
<u>B. Value of New Road and Sidewalks</u>	
1.45 acres of new street at \$5.00/square foot* (land only - excludes construction costs)	315,810
2,200 linear feet of sidewalks along new street at \$4.00/square foot	52,800
1,100 linear feet of sidewalks along new south access road at \$4.00/square foot	26,400
1,200 linear feet of new sidewalks along Northside Drive and North Avenue at \$4.00/square foot	28,800
2,820 linear feet of new sidewalks along Kennedy Street and John Street at \$4.00/square foot	67,680
Total Value of New Street and Sidewalks	\$491,490
<u>C. Net Benefit to City of Atlanta</u>	<u>\$53,490</u>

Note: Refer to attached map depicting location of street and sidewalks.

\*based on appraisal value

01-0-0034

(Do Not Write Above This Line)

AN ORDINANCE BY *William R. Lee*  
AN ORDINANCE AUTHORIZING: THE *12/29/01*  
ABANDONMENT OF A PUBLIC STREET KNOWN  
AS EMMETT STREET, ALL LYING AND BEING  
IN LAND LOT 82 OF THE 14TH DISTRICT,  
CITY OF ATLANTA, FULTON COUNTY,  
GEORGIA; AND THE EXECUTION BY THE  
MAYOR OF A QUITCLAIM DEED SUBJECT  
TO THE EXCHANGE AGREEMENT STIPULATED  
IN ORDINANCE 00-0-1855 TO PROVIDE  
A MECHANISM FOR THE FUNDING OF THE  
ACQUISITION AND CONVEYANCE OF THE  
ABANDONED STREETS; AND TO WAIVE  
CERTAIN PROVISIONS OF SECTION 138-5  
OF THE CITY OF ATLANTA CODE OF  
ORDINANCES; AND FOR OTHER PURPOSES.

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER

Date Referred *01/02/01*  
Referred To: *City Utilities*  
Date Referred  
Referred To:  
Date Referred  
Referred To:  
Date Referred  
Referred To:

First Reading  
Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee		Committee	
Date	_____	Date	_____
Chair	_____	Chair	_____
Action:	_____	Action:	_____
Fav, Adv, Hold (see rev. side)	_____	Fav, Adv, Hold (see rev. side)	_____
Other:	_____	Other:	_____
Members	_____	Members	_____
Refer To	_____	Refer To	_____
Committee		Committee	
Date	_____	Date	_____
Chair	_____	Chair	_____
Action:	_____	Action:	_____
Fav, Adv, Hold (see rev. side)	_____	Fav, Adv, Hold (see rev. side)	_____
Other:	_____	Other:	_____
Members	_____	Members	_____
Refer To	_____	Refer To	_____

FINAL COUNCIL ACTION  
☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED

MAYOR'S ACTION